

REMARKS

Claims 1-58 were pending in the present application prior to this response. Claims 9, 20-25, 37-40, 46-49, 54, 55, and 58 were previously withdrawn from consideration as drawn to a non-elected invention. By virtue of this response, claims 2-4, 7, and 8 have been cancelled and claims 1, 10, 26, 33, 41, and 50 have been amended. Accordingly, claims 1, 5-6, 10-19, 26-36, 41-45, 50-53, and 56-57 are currently under consideration.

Support for the amended claims can be found throughout the specification and the claims as originally filed. Claim 1 has been amended to include the limitations of claims 5 and 6. Claims 26, 33, 41, and 50 have been amended to be independent claims. Claims 10 and 50 have been amended to clarify the language of what is claimed. No new matter has been added.

Claim 32 is drawn to a non-elected subspecies and 41-45 are drawn to a non-elected species which originally fell in the elected invention. These claims were listed by the Examiner as withdrawn in the previous Office Action. However, consideration of these claims is respectfully requested, as discussed below.

With respect to all amendments and cancellations, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the U.S. Patent and Trademark Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement accompanies this response. Applicants respectfully request that the Examiner review the references listed on the Form SB/08 that accompanies the Supplemental Information Disclosure Statement, make the references of record in the application, and return the initialed Form SB/08.

Claims Rejections – 35 USC 103(a)

A. Claims 1, 3, 4, and 8, stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yang et al. (Analytical Sciences, 17, May 2001, pp. 599-604) in view of Saskia et al. (Free Radical Biology & Medicine, 30(3), 1996, pp. 331-342).

In response, claims 3, 4 and 8 have been cancelled. Claim 1 has been amended in order to remove all elements from the Markush group of claim 1 except for the elements contained in claims 5 and 6. Claim 1 is therefore essentially a combination of original claims 5 and 6. As the Examiner had previously indicated that claims 5 and 6 were allowable, Applicants submit that claim 1 in its current form is also allowable. Therefore, applicants respectfully request that this rejection be withdrawn.

B. Claims 2 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yang in view of Saskia as applied to claim 1 above, and further in view of Rapta et al. (Free Radical Biology & Medicine, 18(5), 1995, pp. 901-908).

In response, claims 2 and 7 have been cancelled. Therefore, this rejection is moot.

Allowable Subject Matter

Claims 5, 6, 10-19, 26-31, 33-36, 50-53, 56, and 57, stand objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, claim 1 has been amended to include the limitations of claims 5 and 6, and claims 26, 33, and 41 have been rewritten as independent claims, including all limitations of their base claims and intervening claims. Claims 10-19, 50-53, and 57 depend directly or indirectly on claim 1, claims 27-31 depend directly or indirectly on claim 26, claims 34-36 and 56 depend directly or indirectly on claim 33, and claims 42-45 depend directly or indirectly on claim 41. Applicants respectfully request that this objection be withdrawn.

Claims to non-elected species

Claims 32 and 41-45 were included in the elected invention of Group I, but were directed to nonelected species.

Applicants note that claim 32 depends from now-allowable claim 26, and respectfully request allowance of claim 32.

Applicants also note that claim 41 has been amended to incorporate all limitations of its base and intervening claims, and claims 42-45 depend directly or indirectly from claim 41. Applicants respectfully request either examination of claims 41-45 on the merits in this application, or a further restriction requirement indicating that the Examiner believes claims 41-45 should be withdrawn from the application as directed to an independent and distinct invention.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 526302000400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 9, 2008

Respectfully submitted,

Electronic signature: /Robert K. Cerpa/
Robert K. Cerpa

Registration No.: 39,933
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5715